
**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) KYLE GULLEY, as Next of Kin and
on behalf of the ESTATE OF MELISSA
BOWMAN,

Plaintiff,

v.

(1) AMERICAN WIND TRANSPORT
GROUP, LLC, a Pennsylvania limited
liability company;
(2) LARRY BELLAH, an individual;
(3) DOES 1-10,

Defendants.

Case No. CV-22-1005-SLP

NOTICE OF REMOVAL

Defendants, American Wind Transport Group, LLC (“American Wind”) and Larry Bellah (“Mr. Bellah”), hereby file their Notice of Removal. In support, American Wind and Mr. Bellah (collectively “Defendants”) show the following grounds:

1. Pursuant to 28 U.S.C. §§ 1332(a), 1441(a) and 1446 and LCvR 81.2, Defendants remove this action from the District Court of Garfield County, Okla. styled *Kyle Gulley, as next of kin and on behalf of the Estate of Melissa Bowman, Plaintiff v. American Wind Transport Group, LLC, a Pennsylvania Limited Liability Company, Larry Bellah, an individual, and Does 1-10, Defendants*, Case No. CJ-2022-211-01.

A. DIVERSITY OF THE PARTIES

2. Plaintiff, Kyle Gulley, is a resident of and domiciled in Indiana. Decedent, Melissa Bowman, was a resident of and domiciled in Oklahoma. [Exh. 1, Petition, ¶ 2].

3. Defendant, Larry Bellah, is a citizen of and domiciled in Missouri. [Exh. 2, Official Oklahoma Collision Report]. Upon information and belief, Mr. Bellah was served on November 10, 2022 and he consents to removal from the District Court of Garfield County. To Defendants' knowledge, no return of service as to Mr. Bellah has been filed.

4. Defendant, American Wind, is a limited liability company with its primary place of business in and formed under the laws of the State of Pennsylvania.

B. VENUE

5. Venue is proper in this Court for purposes of removal. Plaintiff brought this action in the District Court of Garfield County, Oklahoma – located in the federal judicial district for the Western District of Oklahoma. 28 U.S.C. § 116(c). Consequently, venue is proper because this Court is the federal “district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

C. AMOUNT IN CONTROVERSY

6. Plaintiff seeks judgment against these Defendants for damages in excess of \$75,000.00. [Exh. 1, ¶ 27-28]. Therefore, the amount in controversy exceeds \$75,000.00. *See* 28 U.S.C. § 1446(c)(2).

D. TIMELINESS OF REMOVAL

7. American Wind received service of Plaintiff's Petition and Summons on or around November 4, 2022. Mr. Bellah received service of Plaintiff's Petition and Summons

on or around November 10, 2022. Therefore, American Wind and Mr. Bellah timely file this Notice of Removal within thirty days after service of summons pursuant to 28 U.S.C. § 1446(b).

E. MISCELLANEOUS

8. Pursuant to 28 U.S.C. § 1446(a), copies “of all process, pleadings and orders served upon” the Defendants in the aforementioned state action are identified and attached.

10. Pursuant to LCvR81.2(a), a copy of the state court docket sheet is attached hereto [Exh. 7].

11. Pursuant to LCvR81.1, jury trial is hereby demanded.

12. Defendants will promptly give written notice of the filing of this Notice of Removal to Plaintiff’s counsels and file a copy of the Notice of Removal with the Court Clerk for Garfield County, Oklahoma, as required.

13. In the event the Court identifies a defect in this Notice, American Wind requests the Court grant it leave to amend to cure the defect. *Hendrix v. New Amsterdam Cas. Co.*, 390 F.2d 299 (10th Cir. 1968).

/s/ Bryan E. Stanton

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American Wind Transport Group, LLC &

Larry Bellah

CERTIFICATE OF SERVICE

On **November 23, 2022**, a true and correct copy of the above and foregoing document has been served on all counsel of record via email and/or U.S. mail.

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